
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

DENA SIMS,

Plaintiff,

v.

**WEST VALLEY ELEMENTARY
SCHOOL, *et al.*,**

Defendants.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 2:23-CV-731-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

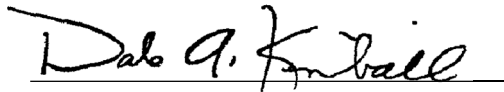
This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On April 10, 2024, Magistrate Judge Pead issued a Report and Recommendation [ECF No. 27], recommending that the court grant Defendant West Valley Elementary School's Motion to Dismiss [ECF No. 23] and that the court allow Plaintiff Dena Sims twenty days to file an amended complaint. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. As of the date of this Order, Plaintiff has not filed an Objection to the Report and Recommendation, and the time for doing so has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Pead's analysis and recommendations in their entirety. As explained in the Report and

Recommendation, Plaintiff has not adequately alleged religious discrimination or retaliation under Title VII or a claim under the Family and Medical Leave Act. In addition, given Plaintiff's failure to allege plausible federal claims, the court should not exercise jurisdiction over any state law claims. Therefore, the court adopts and affirms Magistrate Judge Pead's Report and Recommendation as the Order of the court. Accordingly, the court grants Defendant's Motion to Dismiss [ECF No. 23] and allows Plaintiff twenty days from the date of this Order to file an Amended Complaint addressing the deficiencies identified in the Report and Recommendation. Failure to file an Amended Complaint will result in dismissal of this action.

DATED this 1st day of May 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge